

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MAR 26 2004

MICROUNITY SYSTEMS ENGINEERING,
INC., a California corporation,

Plaintiff,

vs.

(1) DELL, INC. f/k/a Dell Computer
Corporation, a Delaware corporation, and
(2) INTEL CORPORATION, a Delaware
corporation

Defendants.

DAVID MALAND, CLERK
By
Deputy

Civil Action No. 2-04-CV-120

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff MICROUNITY SYSTEMS ENGINEERING, INC. for its Complaint against
Defendants DELL, INC. F/K/A DELL COMPUTER CORPORATION and INTEL
CORPORATION allege:

THE PARTIES

1. MicroUnity Systems Engineering, Inc. ("MicroUnity") is a corporation duly organized and existing under the laws of the State of California.
2. MicroUnity is informed and believes, and on that basis alleges, that Defendant Dell, Inc. f/k/a Dell Computer Corporation ("Dell") is a corporation duly organized and existing under the laws of the state of Delaware.
3. MicroUnity is informed and believes, and on that basis alleges, that Defendant Intel Corporation ("Intel") is a corporation duly organized and existing under the laws of the state of Delaware.

JURISDICTION AND VENUE

4. The court has subject matter jurisdiction pursuant to 28 U.S.C. §§1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C. §§1 *et seq.* Venue is proper in this federal district pursuant to 28 U.S.C. §§1391(b)-(c) and 1400(b) in

that Intel and Dell have done business in this District, have committed acts of infringement in this District, and continue to commit acts of infringement in this District, entitling MicroUnity to relief.

INFRINGEMENT OF U.S. PATENT NO. 5,742,840

5. On April 21, 1998, United States Patent No. 5,742,840 (the "840 patent") was duly and legally issued for an invention entitled "General Purpose, Multiple Precision Parallel Operation, Programmable Media Processor." MicroUnity was assigned the '840 patent and continues to hold all rights and interest in the '840 patent. A true and correct copy of the '840 patent is attached hereto as Exhibit A.

6. Intel has infringed and continues to infringe the '840 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Intel's Pentium III Processors, Pentium III Xeon Processors, Celeron II Processors, Mobile Celeron Processors, Celeron III Processors, Xeon Processors, Pentium 4 Processors, and Pentium M Processors and other products, and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Intel is liable for its infringement of the '840 patent pursuant to 35 U.S.C. § 271.

7. Dell has infringed and continues to infringe the '840 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Dell's Latitude corporate notebook PCs, PowerEdge Servers, OptiPlex desktop PCs, Precision Workstations, Inspiron consumer notebooks, Dimension consumer desktop systems and other products, and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Dell is liable for its infringement of the '840 patent pursuant to 35 U.S.C. § 271.

8. Intel's and Dell's acts of infringement have caused damage to MicroUnity and MicroUnity is entitled to recover from Intel and Dell the damages sustained by MicroUnity as a result of Intel's and Dell's wrongful acts in an amount subject to proof at trial. Intel's and Dell's

infringement of MicroUnity's exclusive rights under the '840 patent will continue to damage MicroUnity, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

9. Upon information and belief, Intel's and Dell's infringement of the '840 patent is willful and deliberate, entitling MicroUnity to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

INFRINGEMENT OF U.S. PATENT NO. US 5,794,060

10. On August 11, 1998, United States Patent No. 5,794,060 (the "060 patent") was duly and legally issued for an invention entitled "General Purpose, Multiple Precision Parallel Operation, Programmable Media Processor." MicroUnity was assigned the '060 patent and continues to hold all rights and interest in the '060 patent. A true and correct copy of the '060 patent is attached hereto as Exhibit B.

11. Intel has infringed and continues to infringe the '060 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Intel's Pentium III Processors, Pentium III Xeon Processors, Celeron II Processors, Mobile Celeron Processors, Celeron III Processors, Xeon Processors, Pentium 4 Processors, and Pentium M Processors and other products; and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Intel is liable for its infringement of the '060 patent pursuant to 35 U.S.C. § 271.

12. Dell has infringed and continues to infringe the '060 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Dell's Latitude corporate notebook PCs, PowerEdge Servers, OptiPlex desktop PCs, Precision Workstations, Inspiron consumer notebooks, Dimension consumer desktop systems and other products, and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Dell is liable for its infringement of the '060 patent pursuant to 35 U.S.C. § 271.

13. Intel's and Dell's acts of infringement have caused damage to MicroUnity and MicroUnity is entitled to recover from Intel and Dell the damages sustained by MicroUnity as a result of Intel's and Dell's wrongful acts in an amount subject to proof at trial. Intel's and Dell's infringement of MicroUnity's exclusive rights under the '060 patent will continue to damage MicroUnity, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

14. Upon information and belief, Intel's and Dell's infringement of the '060 patent is willful and deliberate, entitling MicroUnity to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

INFRINGEMENT OF U.S. PATENT NO. US 5,794,061

15. On August 11, 1998, United States Patent No. 5,794,061 (the "061 patent") was duly and legally issued for an invention entitled "General Purpose, Multiple Precision Parallel Operation, Programmable Media Processor." MicroUnity was assigned the '061 patent and continues to hold all rights and interest in the '061 patent. A true and correct copy of the '061 patent is attached hereto as Exhibit C.

16. Intel has infringed and continues to infringe the '061 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Intel's Pentium III Processors, Pentium III Xeon Processors, Celeron II Processors, Mobile Celeron Processors, Celeron III Processors, Xeon Processors, Pentium 4 Processors, and Pentium M Processors and other products; and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Intel is liable for its infringement of the '061 patent pursuant to 35 U.S.C. § 271.

17. Dell has infringed and continues to infringe the '061 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Dell's Latitude corporate notebook PCs, PowerEdge Servers, OptiPlex desktop PCs, Precision Workstations, Inspiron consumer notebooks, Dimension consumer desktop systems and other

products, and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Dell is liable for its infringement of the '061 patent pursuant to 35 U.S.C. § 271.

18. Intel's and Dell's acts of infringement have caused damage to MicroUnity and MicroUnity is entitled to recover from Intel and Dell the damages sustained by MicroUnity as a result of Intel's and Dell's wrongful acts in an amount subject to proof at trial. Intel's and Dell's infringement of MicroUnity's exclusive rights under the '061 patent will continue to damage MicroUnity, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

19. Upon information and belief, Intel's and Dell's infringement of the '061 patent is willful and deliberate, entitling MicroUnity to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

INFRINGEMENT OF U.S. PATENT NO. 5,809,321

20. On September 15, 1998, United States Patent No. 5,809,321 (the "'321 patent") was duly and legally issued for an invention entitled "General Purpose, Multiple, Precision, Parallel Operation, Programmable Media Processor." MicroUnity was assigned the '321 patent and continues to hold all rights and interest in the '321 patent. A true and correct copy of the '321 patent is attached hereto as Exhibit D.

21. Intel has infringed and continues to infringe the '321 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Intel's Pentium III Processors, Pentium III Xeon Processors, Celeron II Processors, Mobile Celeron Processors, Celeron III Processors, Xeon Processors, Pentium 4 Processors, and Pentium M Processors and other products; and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Intel is liable for its infringement of the '321 patent pursuant to 35 U.S.C. § 271.

22. Dell has infringed and continues to infringe the '321 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD

Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Dell's Latitude corporate notebook PCs, PowerEdge Servers, OptiPlex desktop PCs, Precision Workstations, Inspiron consumer notebooks, Dimension consumer desktop systems and other products, and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Dell is liable for its infringement of the '321 patent pursuant to 35 U.S.C. § 271.

23. Intel's and Dell's acts of infringement have caused damage to MicroUnity and MicroUnity is entitled to recover from Intel and Dell the damages sustained by MicroUnity as a result of Intel's and Dell's wrongful acts in an amount subject to proof at trial. Intel's and Dell's infringement of MicroUnity's exclusive rights under the '321 patent will continue to damage MicroUnity, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

24. Upon information and belief, Intel's and Dell's infringement of the '321 patent is willful and deliberate, entitling MicroUnity to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

INFRINGEMENT OF U.S. PATENT NO. 6,584,482 B1

25. On June 24, 2003, United States Patent No. 6,584,482 B1 (the "482 patent") was duly and legally issued for an invention entitled "Multiplier Array Processing System With Enhanced Utilization At Lower Precision." MicroUnity was assigned the '482 patent and continues to hold all rights and interest in the '482 patent. A true and correct copy of the '482 patent is attached hereto as Exhibit E.

26. Intel has infringed and continues to infringe the '482 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Intel's Pentium III Processors, Pentium III Xeon Processors, Celeron II Processors, Mobile Celeron Processors, Celeron III Processors, Xeon Processors, Pentium 4 Processors, and Pentium M Processors and other products; and its contributing to and inducement of others to manufacture,

use, sell, import, and/or offer for sale of infringing products. Intel is liable for its infringement of the '482 patent pursuant to 35 U.S.C. § 271.

27. Dell has infringed and continues to infringe the '482 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Dell's Latitude corporate notebook PCs, PowerEdge Servers, OptiPlex desktop PCs, Precision Workstations, Inspiron consumer notebooks, Dimension consumer desktop systems and other products, and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Dell is liable for its infringement of the '482 patent pursuant to 35 U.S.C. § 271.

28. Intel's and Dell's acts of infringement have caused damage to MicroUnity and MicroUnity is entitled to recover from Intel and Dell the damages sustained by MicroUnity as a result of Intel's and Dell's wrongful acts in an amount subject to proof at trial. Intel's and Dell's infringement of MicroUnity's exclusive rights under the '482 patent will continue to damage MicroUnity, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

29. Upon information and belief, Intel's and Dell's infringement of the '482 patent is willful and deliberate, entitling MicroUnity to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

INFRINGEMENT OF U.S. PATENT NO. 6,643,765 B1

30. On November 4, 2003, United States Patent No. 6,643,765 B1 (the "765 patent") was duly and legally issued for an invention entitled "Programmable Processor with Group Floating Point Operations." MicroUnity was assigned the '765 patent and continues to hold all rights and interest in the '765 patent. A true and correct copy of the '765 patent is attached hereto as Exhibit F.

31. Intel has infringed and continues to infringe the '765 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Intel's

Pentium III Processors, Pentium III Xeon Processors, Celeron II Processors, Mobile Celeron Processors, Celeron III Processors, Xeon Processors, Pentium 4 Processors, and Pentium M Processors and other products; and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Intel is liable for its infringement of the '765 patent pursuant to 35 U.S.C. § 271.

32. Dell has infringed and continues to infringe the '765 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's SSE (Streaming SIMD Extensions), SSE2 and/or HT (Hyper-Threading) features, including but not limited to Dell's Latitude corporate notebook PCs, PowerEdge Servers, OptiPlex desktop PCs, Precision Workstations, Inspiron consumer notebooks, Dimension consumer desktop systems and other products, and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Dell is liable for its infringement of the '765 patent pursuant to 35 U.S.C. § 271.

33. Intel's and Dell's acts of infringement have caused damage to MicroUnity and MicroUnity is entitled to recover from Intel and Dell the damages sustained by MicroUnity as a result of Intel's and Dell's wrongful acts in an amount subject to proof at trial. Intel's and Dell's infringement of MicroUnity's exclusive rights under the '765 patent will continue to damage MicroUnity, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

34. Upon information and belief, Intel's and Dell's infringement of the '765 patent is willful and deliberate, entitling MicroUnity to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

INFRINGEMENT OF U.S. PATENT NO. 5,630,096

35. On May 13, 1997, United States Patent No. 5,630,096 (the "096 patent") was duly and legally issued for an invention entitled "Controller For A Synchronous DRAM That Maximizes Throughput By Allowing Memory Requests And Commands To Be Issued Out Of Order." MicroUnity was assigned the '096 patent and continues to hold all rights and interest in the '096 patent. A true and correct copy of the '096 patent is attached hereto as Exhibit G.

36. Intel has infringed and continues to infringe the '096 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing a controller for synchronous DRAM operations, including but not limited to Intel's 440BX, 440EX, 440GX, 450NX, 440ZX, 440DX, 440MX, i810, i815, i845, i865, i875, E7205, E7505 and E7501 chipsets; and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of such products. Intel is liable for its infringement of the '096 patent pursuant to 35 U.S.C. § 271.

37. Dell has infringed and continues to infringe the '096 patent by its manufacture, use, sale, importation, and/or offer for sale of products utilizing Intel's controller for synchronous DRAM operations, including but not limited to Dell's Latitude corporate notebook PCs, PowerEdge Servers, OptiPlex desktop PCs, Precision Workstations, Inspiron consumer notebooks, Dimension consumer desktop systems and other products, and its contributing to and inducement of others to manufacture, use, sell, import, and/or offer for sale of infringing products. Dell is liable for its infringement of the '096 patent pursuant to 35 U.S.C. § 271.

38. Intel's and Dell's acts of infringement have caused damage to MicroUnity and MicroUnity is entitled to recover from Intel and Dell the damages sustained by MicroUnity as a result of Intel's and Dell's wrongful acts in an amount subject to proof at trial. Intel's and Dell's infringement of MicroUnity's exclusive rights under the '096 patent will continue to damage MicroUnity, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

39. Upon information and belief, Intel's and Dell's infringement of the '096 patent is willful and deliberate, entitling MicroUnity to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

JURY DEMAND

40. MicroUnity demands a trial by jury on all issues.

PRAAYER FOR RELIEF

WHEREFORE, Plaintiff MicroUnity Systems Engineering, Inc., requests entry of judgment in its favor and against Intel Corporation and Dell, Inc. as follows:

- a) Declaration that Intel Corporation and Dell, Inc. have infringed U.S. Patent Nos. 5,742,840, 5,794,060, 5,794,061, 5,809,321, 6,584,482 B1, 6,643,765 B1 and 5,630,096;
- b) Permanently enjoining Intel Corporation. and Dell, Inc., and , the respective officers, agents, employees, and those acting in privity with them, from further infringement, contributory infringement and/or inducing infringement of U.S. Patent Nos. 5,742,840, 5,794,060, 5,794,061, 5,809,321, 6,584,482 B1, 6,643,765 B1 and 5,630,096;
- c) Awarding the damages arising out of Intel Corporation's and Dell, Inc.'s infringement of U.S. Patent Nos. 5,742,840, 5,794,060, 5,794,061, 5,809,321, 6,584,482 B1, 6,643,765 B1 and 5,630,096, including enhanced damages pursuant to 35 U.S.C. § 284, to MicroUnity Systems Engineering, Inc., together with prejudgment and post-judgment interest, in an amount according to proof;
- d) An award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law; and
- e) For such other costs and further relief as the Court may deem just and proper.

DATED: Mar. 26, 2004 Respectfully submitted,

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